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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,276	12/13/2001	Richard Soltys	120109.406	6054

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
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SEATTLE, WA 98104

EXAMINER
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NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

SR

<b>Office Action Summary</b>	Application No. 10/017,276	Applicant(s) SOLTYS ET AL.	
	Examiner Kim T. Nguyen	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-37,41-49 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 is/are allowed.
- 6) ☒ Claim(s) 1-7,9-26,28-37,41-49 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/13/06 &amp; 10/18/06</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Examiner acknowledges receipt of the RCE filed on 10/13/06. Currently, claims 1-7, 9-37, 41-49 and 57 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-7, 9-26, 28-37, 41-49 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US. Patent No. 4,995,615) in view of Lamle (US Patent No. 5,199,710).**

Claim 1: Cheng discloses a method of distributing cards comprising computationally generating a first pseudo-random playing card sequence from a first set of playing card values before printing a first card in the sequence (col. 2, lines 65-68; col. 3, lines 7-8). Cheng does not disclose printing a plurality of playing cards having markings corresponding to respective ones of the playing card values in an order matching at least a portion of the generated first pseudo-random playing card sequence. However, Cheng discloses printing on a sheet the generated sequence of the determined distinct numbers corresponding to each playing card values in an order matching at least a portion of the generated first pseudo-random playing card sequence (col. 2, line 68; col. 3, lines 1-3; and col. 4, lines 43-44). Lamle discloses

printing on a plurality of playing cards having markings corresponding to respective ones of the playing card values in an order matching at least a portion of the generated first pseudo-random playing card sequence (col. 2, lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to print the generated pseudo-random playing card sequence of Cheng on a plurality of playing cards as taught by Lamle in order to prevent players from viewing the cards before the game play.

Claim 2: Cheng discloses executing the random number generation algorithm on a processor (col. 1, lines 64-66).

Claims 3-4: Lamle discloses removing an ordered stack of the playing cards one by one from a card shoe (col. 3, lines 8-9; and col. 2, lines 19-21).

Claims 5-6: Lamle discloses printing playing cards on opposite faces of the card stock (col. 3, lines 52-56). Further, printing playing cards in a selected orientation would have been obvious design choice.

Claims 7 and 9-10: refer to discussion in claim 1 above. Further, determining a portion of entire pseudo-random indicia sequence to be generated would have been both obvious and design choice according to a designer's preference.

Claims 11 and 57: Lamle discloses activating portions of the playing cards (col. 3, lines 23-31). Further, as to claim 57, applying a charge for producing a playing card would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 12: refer to discussion in claim 7 above. Further, Lamle discloses generating and printing successively sets of playing card value (col. 3, lines 13-31).

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Claim 13: Lamle discloses distributing the playing cards (col. 2, lines 9-10).

Claim 14: refer to discussion in claim 1 above.

Claim 15: Cheng discloses a printer for printing playing cards (col. 3, lines 53-56). Further, including a print head and a print head controller in a printer would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 16: refer to discussion in claim 7 above.

Claim 17: connecting a printer to a host network computer to communicate data between the computers would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 18: Lamle discloses generating print data and transmitting print data to the printer (col. 3, lines 13-20; col. 2, lines 1-10; and col. 3, lines 35-39).

Claim 19: refer to discussion in claim 7 above.

Claim 20: dealing playing cards according to a pseudo-random sequence would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claims 21-22: refer to discussion in claims 5-6 above.

Claims 23-24: Lamle discloses printing the number of playing cards according to a predetermined number of cards (col. 3, lines 20-23). Further, selecting the predetermined number of cards for printing that is less than 52 would have been an obvious design choice.

Claim 25: refer to discussion in claim 1 above.

Claims 26 and 28: storing the printed playing cards in a card shoe and printing a rank and a suit on the playing card would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 29: refer to discussion in claim 12 above.

Claims 30-31: Lamle discloses including playing card values corresponding to a deck of cards (col. 1, lines 52-53; and col. 3, lines 20-23). Further, including 52 cards in a deck would have been well known.

Claims 32-33: refer to discussion in claims 2 and 15 above.

Claims 34-35: Cheng discloses providing different pseudo-random sequences (col. 3, lines 1 and 16-18). Further, coupling the printer to a remote processor would have been well known.

Claims 36-37: reading the card markings would have been well known.

Claim 41: refer to discussion in claims 1, 32 and 35 above.

Claims 42-43: Lamle discloses a chip tray and a betting station (Fig. 1; and col. 2, lines 66-68; col. 3, lines 1-2). Further, tracking wagers and value of chips in the chip tray on a gaming table would have been well known.

Claim 44: refer to discussion in claims 42-43 above.

Claim 45: reading markings on the discarded cards would have been well known.

Claims 46-49: refer to discussion in claims 1, 5, and 12 above.

***Allowable Subject Matter***

3. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record does not disclose a method for generating a playing card deck for a card game set forth in claim 27 in which for each of at least three of the playing card values in an order of the playing card values in at least a portion of the pseudo-random playing card sequence, printing markings on a respective playing card, the markings corresponding to the respective playing card value; determining when the number of the printed playing cards in a card shoe falls below a threshold value, and printing markings on an additional number of playing cards in response to the number of printed playing cards in the card shoe falling below the threshold value.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kn

Date: January 6, 2007



Kim T. Nguyen  
Primary Examiner  
Art Unit 3714